



Paul Helliker
Director

Department of Pesticide Regulation



Arnold Schwarzenegger
Governor

DEPARTMENT OF PESTICIDE REGULATION PESTICIDE REGISTRATION AND EVALUATION COMMITTEE Meeting Minutes – March 19, 2004

Committee Members/Alternates in Attendance:

Brian Finlayson, Department of Fish and Game (DFG)
Barbara J. Todd, Department of Food and Agriculture (CDFA)
Lynn Baker, Air Resources Board (ARB)
Kathleen Thuner, San Diego County Agricultural Commissioner
Barry Wilson, Department of Environmental Toxicology, University of California-Davis (UCD)
Bryan Eya, Department of Toxic Substances Control (DTSC)
Marion Miller, University of California IR-4 Program
Syed Ali, State Water Resources Control Board (SWRCB)
Dave Rice, Office of Environmental Health Hazard Assessment (OEHHA)
Tobi Jones, Department of Pesticide Regulation (DPR)

Visitors in Attendance:

John Pearson, Compliance Service
Jared Saylor, Inside Cal/EPA
Brian Bret, Dow AgroSciences
Renee Pinel, Crop Protection Health Association (CPHA)
Kevin Keefer, CPHA
Susan Kegley, Pesticide Action Network (PAN)
Artie Lawyer, Technical Scientific Group (TSG)
Scott Kahne, Bayer Crop Science
Dave Lawson, Lawson
Debra Jayne, San Diego Regional Water Quality Control Board
Eileen Mahoney, DPR
Nan Singhasemanon, DPR
Marshall Lee, DPR
Jay Schreider, DPR
Keith Pfeifer, DPR
Jeanne Martin, DPR
Kathy Brunetti, DPR
Ann Prichard, DPR
Regina Sarracino, DPR



1. Introductions and Committee Business – Tobi Jones, Chairperson
 - a. About 29 people attended the meeting.
 - b. There were no corrections to the minutes of the previous meeting held on January 16, 2003.
2. Impaired Water Quality in the Shelter Island Yacht Basin: The Role of Copper-Based Antifouling Paints – Debra Jayne, San Diego Regional Water Quality Control Board; Nan Singhasemanon, DPR Environmental Monitoring Branch

Debra Jayne of the San Diego Regional Water Quality Control Board (SDRWQCB) gave a presentation on the copper problem in the Shelter Island Yacht Basin (SIYB) and the Total Maximum Daily Load (TMDL). She discussed what the Regional Board is required to do and requested recommendations for achieving copper waste load reductions in SIYB.

There is a significant quantifiable water quality problem due to elevated copper concentrations. SIYB waters violate water quality objectives for copper, toxicity, and pesticides. The copper concentrations threaten or impair beneficial uses in SIYB.

The purpose of TMDL is to attain water quality objectives and restore beneficial uses in impaired water bodies. Copper antifouling paint applied to recreational boat hulls is the source of 98% of the copper. To meet water quality objectives and restore and protect beneficial uses, a 76% overall reduction in copper loading is needed.

The problem is caused by registered pesticides, legally applied and used in accordance with label instructions in compliance with FIFRA. It is also caused by direct discharge of the pesticide into receiving waters (vs. contaminated urban runoff). The best solution is boater education and voluntary best management practices, i.e., the use of non-copper hull coatings by boaters.

The Regional Water Quality Control Board was required to add SIYB in 1996 to the Clean Water Act (CWA) section 303(d) list as impaired for copper. They are also required to develop TMDLs for all waters on the section 303(d) list.

Nan Singhasemanon provided the PREC a historic timeline of DPR's involvement in copper antifouling paint issues.

In 2000, DPR began consultation with SDRWQCB regarding an emerging copper Total Maximum Daily Load (TMDL) for the Shelter Island Yacht Basin. DPR's assistance to the SDRWQCB on this TMDL continues today. During this period, DPR also participated in an

international antifouling conference and contributed to a legislatively mandated (SB 315) advisory committee to evaluate alternatives to copper antifouling paints. Within the last year, DPR surveyed a number of California's resources and regulatory agencies to assess known and suspected pollution caused by copper antifouling paints. This initiative led to the formation of the Copper Antifouling Paint Sub-Workgroup of the Nonpoint Source Interagency Coordinating Committee's Marina and Recreational Boating Workgroup. The goal of this forum, in which DPR is the lead agency, is to assess the degree and geographical distribution of copper pollution caused by copper antifouling paint pesticides in CA's aquatic environments. DPR intends to use data obtained through this workgroup to help determine if statewide or regional actions are necessary.

3. PREC Members Forum – Brian Finlayson, DFG

Brian Finlayson gave a presentation on the Department of Fish and Game (DFG), its interests in pesticides and their interaction with DPR.

The Pesticide Unit of DFG was formed in 1964 and DFG has been working with DPR for approximately 40 years. In the Public Resources Code, Section 15386, the DFG is assigned as the trustee for all California fish and wildlife. Several other sections of the Public Resources Code and of the Fish and Game Code reference DPR's Pesticide Regulatory Program and their involvement with DFG in protecting California's fish and wildlife.

The primary focus of the DFG Pesticide Unit is to investigate fish and wildlife losses that appear to be related to pesticides, train their Game Wardens and Agricultural Commissioner staff in the investigation of fish and wildlife losses, assess if pesticides are hazardous to fish and wildlife, and to protect threatened and endangered species.

Brian then gave an overview of some of the investigations and mitigations that DFG has been involved in with regards to losses related to pesticides.

4. Status of Active Ingredients for Risk Characterization – Keith Pfeifer, DPR Medical Toxicology Branch

Keith Pfeifer gave an overview on Prioritization and Status of Active Ingredients for Risk Characterization.

The Birth Defect Prevention Act of 1984 (SB 950) requires the California Department of Pesticide Regulation (DPR) to review the toxicology data for all active ingredients currently registered in California. As part of this review, the active ingredients listed on the attachment list for Report # 45 (passed out at meeting) were identified as having potential adverse health effects in studies of sufficient quality to permit risk characterization. As a result, these active ingredients will enter the risk characterization process. During this

process, DPR staff will identify the seriousness of the adverse effect, determine the expected levels of human exposure, assess the resulting risk to human health, and, if necessary, explore possible mitigation measures.

The results of this process will help DPR staff determine if any registration action is warranted. A registration action is not the automatic result for every active ingredient entering the risk characterization process. In addition, as data gaps are filled, other adverse effects might be identified, necessitating another risk characterization. Finally, the risk characterization process should be viewed as a comprehensive evaluation requiring, in some cases, a considerable amount of time. Therefore, it is not possible to predict how long it will take to systematically complete the risk characterization process for each priority category.

When the risk characterization process has been completed, the active ingredient will be removed from this list. The risk characterization document is forwarded to the Assistant Director for approval. Any subsequent risk management activities will be conducted under a separate DPR process.

5. Warranty and Liability Statements on Pesticide Labels – Regina Sarracino, DPR Registration Branch

Regina Sarracino discussed warranty and liability statements on pesticide labels, and a recent notice on this topic that was provided to pesticide registrants.

Pesticide product labels may contain warranty or liability statements regarding use of the product. Regina explained that most labels bear statements that are within the limits allowed by federal law and California state law. However, some registrants have extended the statements to relieve or contradict the uses approved on the label. This trend caused DPR to issue its notice.

She went over the California Food and Agricultural Code (FAC) Section 12854, that states that no limitations of warranty by the seller shall exclude or waive the implied warranty that the pesticide corresponds to all claims and descriptions that the registrant has made in respect to it in print. This section also states that no limitations of warranty by the seller shall exclude or waive the implied warranty that the pesticide is reasonably fit for use for any purpose for which it is intended according to any printed statement of the registrant. Labels which have statements that conflict with this section are not acceptable.

Regina also explained that a waiver of liability requiring signature by the pesticide buyer or user is not allowed as part of the pesticide label.

6. Update on Reevaluation – Ann Prichard, DPR Registration Branch

This agenda item had to be postponed until a later meeting due to time constraints.

7. Agenda Items for Next Meeting – Tobi Jones, DPR

The next meeting will be held on Friday, May 21, 2004, in the Sierra Hearing Room located on the second floor of the Cal/EPA building.

8. Closing Comments – Tobi Jones

The meeting was adjourned.